

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:22-cr-128
v.)
) Judge Atchley
)
NAMON DAVIS) Magistrate Judge Dumitru
)

ORDER

United States Magistrate Judge Mike Dumitru filed a Report and Recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (the "Lesser Included Offense"); (3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer a decision on whether to accept the plea agreement [Doc. 93] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. [Doc. 106]. Neither party filed a timely objection to the Report and Recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's Report and Recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation [Doc. 106] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the one-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the Lesser Included Offense is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;

4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **September 11, 2025 at 10:00 a.m. EASTERN TIME** before the undersigned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE**